

Conceal Carry Policy

The State recognizes the right to bear arms in accordance with state and federal laws afforded by the Second Amendment of the United States Constitution and Article VI, Section 24 of the South Dakota Constitution. This policy establishes the State's expectations of state employees in the executive branch under the purview of the Governor who wish to carry a concealed pistol while engaged in the duties of state employment.

The State is not liable for any wrongful or negligent act or omission related to actions of persons or employees who carry a concealed pistol. Unless specific job duties require it, the ability to carry a concealed pistol is not within the scope of employment and is not a condition of employment. Nothing in this policy should be interpreted to require or encourage any employee who lawfully possesses a pistol to use it in defense of others.

Eligibility to Conceal Carry

An employee may carry a concealed pistol while performing his or her job duties so long as that employee can legally carry a concealed pistol ("eligible employee"). It is the responsibility of the employee to understand state and federal laws and to know whether he or she can legally carry a concealed pistol. An eligible employee may carry a concealed pistol on state owned property unless prohibited by federal or state law or by executive order of the Governor.

Requirements of Conceal Carrying

An eligible employee must comply with all requirements of the law when carrying a concealed pistol. The employee must always keep the pistol completely concealed, except for those instances where necessary for self-defense or transferring to locked storage. Pistols must always be in the immediate control of the eligible employee in a Level 2 holster (or higher) or in locked storage, and the employee cannot leave his or her pistol unattended in or on his or her workstation or in a purse, bag, desk, filing cabinet, or other storage container left behind at the employee's office.

South Dakota law establishes several requirements for an individual who would like to carry a concealed pistol in the capitol building. Any eligible employee who wishes to carry a concealed pistol in the capitol building must comply with all requirements of the law.

Eligible employees who are collocated in a building with non-state entities must abide by the laws or policies of the building. For example, state employees who work in a county courthouse cannot carry a concealed pistol while working in that courthouse.

Eligible employees who visit or work at locations other than state-owned buildings, such as a leased building, must abide by the conceal carry laws, policies, or requirements that apply to those buildings. For example, a leased building on private property may have a restriction regarding firearms on the premises that an eligible employee must comply with when visiting or working in the building.

An eligible employee who wishes to carry a concealed pistol while engaged in his or her duties of employment outside of his or her primary office location may do so, but the pistol must be completely concealed at all time. The pistol must always be in the immediate control of the employee except as provided by this policy. This includes work related travel in a personal vehicle. In addition, the employee must comply with any laws, rules, or policies related to that specific location.

Out-of-State Travel

It is the responsibility of an eligible employee who wishes to carry a concealed pistol while traveling for work outside of South Dakota to understand and comply with all federal and state laws in the states the employee will be traveling, including laws related to the transportation of a firearm. If a state or federal law prohibits the employee from carrying a concealed firearm in that state, the employee must not carry a concealed firearm while traveling to that state.

Prohibited Acts

The State will not tolerate any inappropriate displaying or use of a firearm and any such display or use will result in disciplinary action being taken against the employee, up to and including termination. In addition, a violation of any portion of this policy will result in disciplinary action, up to and including termination.